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Submittal of Comments  
Scoping of the EIR/EIS  
South Delta Improvements Program

Dear Mr. Marshall:

An outline summary of selected technical comments appears at the end of this letter.

These comments are submitted on behalf of the Northern California Council of the Federation of Fly Fishers. This organization and its member clubs represent over 3,000 anglers, many of whom are on-the-water recreational enthusiasts of the South Delta. I am a resident of Bethel Island and fishing guide who routinely travels the waters encompassed by the proposed project.

Decades ago when the State and Federal pumping plants were designed, constructed, and began operating in the South Delta, the responsible agencies failed to accurately predict and adequately inform the public of the consequent environmental impacts. These impacts have been unquestionably significant. Studies by State and Federal agencies and associated State universities have since documented the resulting environmental havoc, including but not limited to the entrainment and death of billions of fish, degradation of water quality, and overall impairment of the South Delta's once-rich aquatic resources.

This violation of the public trust remains outstanding in the history of California's water development.

If you will be honest with yourselves and the public, you will admit that from an ecological standpoint, the contemplated incremental pumping that is part of the South Delta Improvements Program (SDIP) would be better served by properly designed, constructed, and operated withdrawals from sources in the North Delta (and similar foothill rivers); an alternative otherwise known as the "peripheral canal". So why are you proposing additional pumping as part of the SDIP instead of a peripheral canal? Because, in large part, the legacy of public trust violation makes a peripheral canal untenable in the conscience of California's citizens. Accordingly, you need to be painstakingly thorough, objective, and accurate in your preparation of an EIR/EIS for the SDIP.

The EIR/EIS should contain an alternative for a "peripheral canal". This will provide a valuable basis for evaluating environmental impacts of the SDIP.

The SDIP, as currently proposed, is not in strict accordance with the CalFed Programmatic Record of Decision (ROD). Point by point, the EIR/EIS needs to clearly identify deviations from the ROD, along with the environmental consequences of each deviation. The EIR/EIS should also include alternatives that are in strict accordance with the ROD.

The SDIP is a multi-faceted, complex project. Furthermore, you are proposing that the project be designed and constructed while many interrelated issues remain unresolved. For example, it is unclear how the CalFed science panel will interact with the EIR/EIS scoping process, much less how the science panel will influence the actual operation of the completed project. It is unclear how the existing or expanded pumping plants will be operated in light of special status aquatic species, how the Environmental Water Account will influence project design and operation, how effective the in-stream barriers will be in protecting special status aquatic species, how effective the now-downsized fish screening facilities will be in protecting special status and other aquatic species, how the as-yet-undecided North Delta improvements will affect special status and other aquatic species, how water quality other than salinity will be affected especially in light of the continued urbanization of the South Delta, and a myriad of other, interrelated public trust concerns. Although it is debatable that a thorough, objective, and accurate EIR/EIS can be prepared in light of these complexities, it is clear that your current approach to soliciting public input is insufficient. You need to interact with a stakeholder group, or some semblance thereof, to provide an adequate forum for public involvement. Informed public involvement in the EIR/EIS scoping cannot be realistically facilitated through the four two-hour public meetings that you have proposed. You should take the decision regarding stakeholder involvement before the CalFed Policy Group as soon as possible.

Your implementation schedule appears unrealistically compressed. For example, baseline aquatic studies that are identified during the current public comment period will likely require at least one hydrologic cycle (one year) to complete. If your timeframe is not flexible enough to accommodate the necessary studies, the validity of the EIR/EIS will be compromised. You should prepare a schedule that provides the flexibility to conduct adequate baseline studies, as opposed to pre-judging that existing data are sufficient, even before you have considered public input.

Baseline water quality data will be essential for EIR/EIS preparation. Water quality data should include, in addition to salinity, turbidity, coliform-other bacteria-waterborne pathogens, aquatic bioassays (including biomarkers), dissolved oxygen, macronutrients and carbonaceous compounds (in their various forms), metals (including organic and inorganic mercury), petroleum hydrocarbons, fuel oxygenates, pesticides (including organochlorine and organophosphorus pesticides), PCBs, dioxins, and semivolatile organic compounds. Companion chemical data will also be needed for sediment quality. These data should then be used to calibrate water quality models for prediction of water quality impacts from various alternatives. In addition to in-stream water quality, the water quality evaluation should account for existing and potential future urban and agricultural point and non-point discharges. It is possible or even likely that the formulation of meaningful project alternatives will be subject to the results of the baseline and modeling efforts.

Baseline fishery resource data will be essential for EIR/EIS preparation. You have stated that salmon are the primary special status fish and you have also mentioned Delta Smelt; however, our interaction with biologists from the California Department of Fish and Game indicate that other special status species, including steelhead, are likely to be influenced by the SDIP. Yet baseline data are missing. Additionally, fish tracking (telemetry) data need to be sufficient for an accurate evaluation of each project alternative. If the data show the barriers are at times effective and at times ineffective in re-directing fish migration, additional research will be needed to characterize the reasons. Because fishery resources do not lend themselves to accurate modeling, we encourage the collection of actual data at, to the extent feasible, flow conditions that closely simulate those proposed.

We have been unable to determine what flow regimes and resulting exports are actually being proposed or contemplated under the SDIP. We suspect that pump hydrographs (flow versus time) have been hypothesized for both the State and Federal pump plants (as part of this project) and that these hydrographs account for different water abundance (dry, wet, normal). We request that you provide these hydrographs, as soon as possible, so that we may understand the fundamentals of this project. If assumptions have been made in the formulation of these basis-of-design hydrographs (such as allotment of the CVPIA in-Delta reserve and EWA usage), we request that these assumptions be conveyed to us (or that the scenarios that incorporate the various assumptions be provided).

Due primarily to the limitations imposed by your currently-proposed public involvement process, as opposed to the project-intimacy that could be provided through a stakeholder group, we are at a disadvantage to suggest meaningful alternatives that should be included in the EIR/EIS. Notwithstanding this limitation, we recommend that project alternatives include, in addition to those identified elsewhere in our comments, the following:

- Measures to reduce fish entrainment and predation within Clifton Court Forebay.
- Reductions in flow velocity within significant reaches of Old River via levee setbacks or similar measures (other than dredging).
- Construction of additional fish diversions and water quality barriers (beyond the contemplated four) at locations such as Turner and Columbia Cuts.

- Reductions in pumping rates and total exports at the State and Federal pumping plants that may be achieved through the water conservation and working landscape elements of CalFed.
- Alternatives that provide no net increase in Delta exports.
- Alternatives that increase the survival of screen-salvaged fish and reduce the predation on salvaged fish once reintroduced to the Delta.

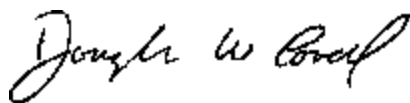
We want to go on record in opposition to any form of simplistic engineering approach to the SDIP. In particular, we challenge any approach that simply sets a target maximum export flow rate, selects project alternatives that provide the requisite hydraulic characteristics for this flow rate, and ignores the consequences of actual operation at different flow rates. Water quality and sediment transport are highly dependent on flow. Fish migration, fish predation, and fish entrainment/export are also highly dependent on flow. Maintenance dredging, screen salvage of fish, and similar existing, ongoing obligations should not be considered adaptive management practices that provide you the flexibility to design and construct a project without accurate pre-determined flow regimes.

We are very concerned that any expansion of pumping capacity will ultimately be realized despite the best intentions for scientific controls. This has been the unfortunate legacy of water development projects within your department. In the event that expanded pumping capacity is ultimately constructed, we want to know what specific, mandatory criteria will be employed to curtail exports for environmental protection. In the event you cannot provide these criteria, you should let us know now.

If you have any questions or comments, please call.

Sincerely,

Federation of Fly Fishers



Douglas W. Lovell, PE  
Director

### **Outline of Selected Technical Comments**

#### **General Alternatives**

- Alternatives that provide for reduced exports at the existing State and Federal pumping plants, in addition to the no-action (no increase) alternative.

- Alternatives that provide for exports from the North Delta and/or other “upstream” locations, as opposed to the proposed incremental exports from existing State and Federal pumping plants in the Delta. These alternatives have historically been termed the “peripheral canal”.
- Alternatives that are fully compliant with the intent of the CalFed Programmatic ROD. These alternatives include implementation of the fish screening facilities that were envisioned at the time the ROD was finalized and approved, as opposed to the scaled-down fish screening facilities that are part of the proposed project.
- Alternatives that reduce fish entrainment and predation within Clifton Court Forebay.
- Alternatives that provide for levee setbacks and reduced flow velocities at the channel edges for various reaches of Old River and Middle River downstream of the State and Federal pumping plants.
- Alternatives that provide for flow control/fish diversion structures on Empire/Turner Cut and Columbia Cut, in addition to the proposed enhancements for the Old River, Middle River, and Grant Line Canal structures.
- Alternatives that provide for enhanced survivability of fish that are salvaged at the screens.
- Alternatives that provide for constructing screens at the numerous, existing, unscreened South Delta agricultural diversions.

#### Water Supply/Management Assumptions and Alternatives

- Delineation of what portion of CVPIA (b)(2) water applies to baseline conditions. Alternatives that provide for the full 800,000 acre-feet of in-stream flow for the benefit of fisheries.
- Delineation of what portion of the Environmental Water Account applies to baseline conditions. Alternatives that provide for full implementation of the Environmental Water Account, including the required funding.
- Alternatives that provide the additional in-stream flows consistent with the goals of the CalFed Ecosystem Restoration Program.

#### Fishery Impacts

- Full consideration of baseline conditions for and impacts to all special status fisheries, including salmon, Delta Smelt, steelhead, and Sacramento Splittail,

- Full consideration of baseline conditions for and impacts to all non-special status fisheries, including striped bass, largemouth bass, smallmouth bass, sturgeon, catfish, and panfish.
- Baseline telemetry studies are needed to assess the effectiveness of the existing flow control/fish diversion structures.

#### Urbanization of the South Delta

- Full characterization of the baseline urban stormwater runoff and wastewater discharges, including water quantity and water quality parameters, for the drainages captured by the State and Federal pumping plants.
- Soliciting input from the cities Tracy, Stockton, Brentwood, and Oakley, along with County planning agencies, regarding reasonably-anticipated urban growth and consequent increased stormwater runoff and wastewater discharges.

#### Water and Sediment Quality Investigations and Modeling

- Complete characterization of baseline water quality conditions, including salinity, turbidity, coliform-other bacteria-waterborne pathogens, aquatic bioassays (including biomarkers), dissolved oxygen, macronutrients and carbonaceous compounds (in their various forms), metals (including organic and inorganic mercury), petroleum hydrocarbons, fuel oxygenates, pesticides (including organochlorine and organophosphorus pesticides), PCBs, dioxins, and semivolatile organic compounds. Companion chemical data will also be needed for sediment quality.
- Baseline data should be used to calibrate water quality models. The models should then be used to predict water quality impacts from the various alternatives. The impacts should be compared to existing and proposed water quality standards, target TMDLs, Regional Water Quality Control Board Basin Plan objectives, and compliance with State and Federal water quality legislation including the Porter Cologne Water Quality Act and the Clean Water Act.